

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JIMMY LEE DAVIS,
Plaintiff,

v.

CITY OF SAN FRANCISCO,
Defendant.

Case No. 19-cv-03419-PJH

**ORDER TERMINATING MOTION FOR
SUMMARY JUDGMENT**

Re: Dkt. No. 16

On August 13, 2019, this court dismissed plaintiff's complaint with leave to amend. Dkt. 15. On August 16, this court received by mail plaintiff's motion for summary judgment. Dkt 16. On August 22, the court received plaintiff's amended complaint, filed in response to the order dismissing his original complaint. Dkt. 17.

It appears that plaintiff's motion for summary judgment was sent to the court before plaintiff received a copy of the order dismissing his original complaint. The effect was that plaintiff's motion for summary judgment was filed while there was no active complaint in the action. As such, the court hereby **TERMINATES** plaintiff's motion for summary judgment, without prejudice to plaintiff filing a motion for summary judgment at an appropriate time in the future. The court will review plaintiff's amended complaint under 28 U.S.C. § 1915 and issue an order pursuant to that statute.

IT IS SO ORDERED.

Dated: August 30, 2019



PHYLLIS J. HAMILTON
United States District Judge